

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

MAINE PEOPLE'S ALLIANCE and  
NATURAL RESOURCES DEFENSE  
COUNCIL, INC.,

Plaintiffs

v.

Civil No. 00-69-B-C

HOLTRACHEM MANUFACTURING  
COMPANY, LLC and MALLINCKRODT  
INC.,

Defendants

**PROCEDURAL ORDER**

The Court having entered this date its Implementing Order for Penobscot River Study Pursuant to Memorandum of Decision and Order Dated July 29, 2002, the Court now **ORDERS** that the following procedure shall be followed by the parties and the Study Panel in generating for the Court's consideration any issue or controversy arising in the course of the execution of the requirements of the Implementing Order:

(1) Before the entry of the Court's order appointing the members of the Study Panel and the Consultant, all issues or controversies as to which the parties seek action by the Court shall be presented to the Court on written motion in compliance with Local Rule 7(a) of this Court, and all objections/responses and replies generated by a motion so filed shall be filed in accordance with Local Rule 7(b) and (c). The remaining provisions of Local Rule 7 shall apply to all such submissions.

(2) After the filing of the Court's order appointing the Study Panel and the Consultant, all issues or controversies generated by the parties shall be

submitted to the Study Panel for resolution before submission on motion to the Court. The Study Panel shall issue expeditiously a written memorandum resolving any such issue, which memorandum shall be subject to prompt presentation to the Court, for its approval or rejection or other appropriate action, by any party by motion in compliance with Local Rule 7 of this Court. The opposing party shall respond to such motion in compliance with Local Rule 7.

(3) After its appointment by order of the Court, the Study Panel may generate any matter, *sua sponte*, after conferring with counsel for the parties, for action by the Court by filing with the Court, with copies to all counsel, a written memorandum describing the action requested by the Study Panel and setting forth in detail the factual predicate for such action. The parties shall file responses thereto in compliance with Local Rule 7.

(4) In the course of executing its work under the Implementing Order, the Study Panel, or the Consultant with the approval of the Study Panel, may confer with counsel for the parties and, with the consent of counsel, the parties themselves or their respective representatives, so long as no *ex parte* contact or discussions shall occur.

(5) As indicated in the Implementing Order, the Court expects counsel to resolve in a reasonable manner all issues expeditiously and in good faith in an effort to avoid delay of the Study Panel's work and needless generation of issues requiring the Court's attention.

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Gene Carter  
Senior United States District Judge

Dated at Portland, Maine this 25<sup>th</sup> day of November, 2003.

**Plaintiff**

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ALLIANCE**

represented by **MITCHELL S. BERNARD**  
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**Defaulted Party**

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**Defendant**

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